

1 R. Rojas

2 Saint Nicholas until May 12, 2006; is that
3 correct?

4 A. Around there, yes.

5 Q. Where did you work between May 12th of
6 2006 and the time that you came to work at 199
7 Webster?

8 A. Around October '06, around the 12th or
9 13th, I started working at 199 and Webster, until
10 about January 2007.

11 Q. Where did you work between May of '06
12 and October of '06?

13 A. I was in Santo Domingo.

14 Q. Do you have a passport issued by the
15 Dominican Republic?

16 A. Yes, sir.

17 Q. Do you have an American passport?

18 A. No, sir.

19 RQ MR. WALKER: We request production of
20 his passport.

21 MR. FAILLACE: Take it under
22 advisement.

23 Q. You testified that you worked at the
24 garage at 155 Saint Nicholas from May of '03 until
25 May of '06; isn't that correct?

1 R. Rojas

2 A. Yes. May 2003 until May 2006.

3 Q. Did you work at any other garage for
4 the company from May of 2003 until May of 2006?

5 A. They would send me sometimes to cover a
6 day off of another employee at 145 and Saint
7 Nicholas Avenue. Just to cover a day off of
8 somebody or something like that.

9 Q. From May of 2003 until May of 2006, did
10 you ever visit the Dominican Republic?

11 A. In May 2005, I went on vacation for one
12 month.

13 Q. Between May of 2003 and May of 2006,
14 did you go on any other vacations other than the
15 one in May of 2005?

16 A. After 2005, no.

17 Q. Prior to 2005, did you go on any
18 vacations while you were employed by the company?

19 A. No, sir.

20 Q. During the vacation that you took in
21 May of 2005, did you receive any pay for time not
22 worked by the company?

23 A. No, sir.

24 Q. During your employment with the
25 company, did you ever take any sick days?

1 R. Rojas

2 A. No, sir.

3 Q. Did you ever receive any sick pay?

4 A. No, sir.

5 Q. At the time that you began employment
6 with the company in May of 2003, what were your
7 hours of work?

8 A. Seven p.m. to seven a.m.

9 Q. Did you punch a time clock?

10 A. Yes, punched the clock.

11 Q. Did you punch the time clock when you
12 started work?

13 A. Yes, sir.

14 Q. Did you punch the time clock when you
15 ended work?

16 A. Yes, sir.

17 Q. Did you ever have anyone else punch
18 your time card?

19 A. No, sir.

20 Q. Were you paid for all of the hours that
21 were recorded on your time card?

22 A. They pay me the minimum. And overtime
23 was paid but not completely.

24 Q. In what respect was the overtime not
25 paid?

1 R. Rojas

2 A. I worked 12 hours. They paid the 40
3 hours at the minimum. And the others they did not
4 pay completely.

5 Q. I want to understand, Mr. Rojas. The
6 company paid you for the first 40 hours at the
7 minimum wage; is that correct?

8 A. Yes, sir.

9 Q. And you were paid for all 40 of those
10 hours; is that correct?

11 A. Forty hours they paid at the minimum.

12 Q. And for hours after 40 hours in a work
13 week, what were you paid?

14 A. They pay a little something at time and
15 a half, but they wouldn't pay completely.

16 Q. When you say they would pay a little
17 something at time and a half, how many hours would
18 they pay time and a half?

19 A. It could have been 10 or 15, depending.
20 More or less.

21 Q. Did you receive any pay for hours that
22 were not paid at time and a half after 40?

23 A. Can you rephrase that?

24 Q. For the hours that you worked after 40
25 that you did not receive time and a half, were you

1 R. Rojas

2 paid any pay at all?

3 A. No, sir.

4 Q. Did you ever ask anyone at the company
5 why they were not paying you?

6 A. I would go to the supervisor and ask
7 him to pay us for the five hours of lunch. And he
8 would simply say get out of here.

9 Q. Are you saying that you were not
10 paid -- that the only hours you were not paid for
11 were the five hours of lunch?

12 A. The lunch hour, the five-hours lunch,
13 and the hour that was supposed to be paid by law
14 after one works 10 hours.

15 Q. Other than the five hours of lunch and
16 the one hour pay for working over 10 hours, are
17 you claiming that you were not paid for any other
18 time?

19 A. I am alleging they didn't pay the five
20 hours lunch and the hour after the 10 hours. What
21 are you saying? Repeat it to me, please.

22 Q. Other than the five hours of lunch, and
23 the one hour pay after 10 hours, are you saying
24 that you were paid for all other hours?

25 A. They would pay me, but not completely.

1 R. Rojas

2 Q. So it's your testimony that for the
3 entire period of time that you were working at the
4 garage, you never took even one minute of break
5 from working?

6 A. Out of the parking garage -- I never
7 went out, no.

8 Q. Did you ever take a break in the
9 parking garage?

10 A. No. I was working.

11 Q. You were working every minute while you
12 were on shift at the parking garage?

13 A. Yes, sir.

14 Q. From the period of May 2003 until
15 January of 2007, were you employed by any other
16 company other than working at the garage?

17 A. No, sir.

18 Q. Did you receive any income from any
19 source other than from working at the garage?

20 A. No, sir.

21 Q. Were you ever paid for any time by the
22 company for periods of time when you were not
23 working?

24 MR. FAILLACE: Objection. Already
25 asked. Go ahead.

1 R. Rojas

2 THE INTERPRETER: Can you repeat

3 that?

4 Q. Did you ever receive any pay for the
5 company for hours that you did not actually work?

6 A. No, sir.

7 (Recess taken from 1:26 p.m. to
8 1:34 p.m.)

9 Q. Did there come a time when you stopped
10 working 12 hours per day?

11 A. I stopped working 12 hours a day when I
12 was at 199 and Webster. I was working 10 hours
13 then. Ten and eight, but more ten.

14 Q. When did you stop working 12 hours per
15 day?

16 A. Twelve hours a day -- when I started in
17 October 2006 until 2007.

18 Q. When you worked eight hours per day,
19 what time did you start and what time did you end
20 work?

21 A. I worked from four p.m. until twelve
22 midnight.

23 Q. During the time that you worked ten
24 hours per day, what time did you start work and
25 what time did you end work?

1 R. Rojas

2 A. I started at ten and come out at eight.

3 Q. Ten a.m.?

4 A. Yes, sir. Until eight p.m.

5 Q. When you worked ten a.m. to eight p.m.,
6 did you punch your time card in at ten a.m. when
7 you started?

8 A. Yes, sir.

9 Q. Did you punch out at eight p.m. when
10 you ended work?

11 A. Yes, sir.

12 Q. When you worked four p.m. to midnight,
13 did you punch in at four p.m.?

14 A. Yes, sir.

15 Q. When you ended work at midnight, did
16 you punch out then?

17 A. Yes, sir.

18 Q. During this period of time beginning in
19 October of 2006, were you paid time and a half for
20 hours over 40?

21 A. If I worked it, yes, sir. Yes.

22 Q. For the period prior to October 2006,
23 were you paid time and a half for the hours you
24 worked over 40?

25 A. They paid, yes, sir.

1 R. Rojas

2 Q. When you first started work with the
3 company in October of 2003, who was your first
4 supervisor?

5 A. Raj.

6 Q. During the time you were employed by
7 the company, did you have any supervisor other
8 than Raj?

9 A. No, sir.

10 Q. Did Raj actually work at the garage
11 parking cars and doing the other work that you
12 did?

13 A. No, sir.

14 Q. How often did Raj come to the garage
15 when you were working there?

16 A. He would go daily in the morning hours.

17 Q. How long did he stay at the garage?

18 A. He wouldn't last too long there. An
19 hour, half hour.

20 Q. Do you know if Raj ever saw you take a
21 break and leave the premises of the garage?

22 A. No, sir.

23 Q. Did you ever pay any other employee to
24 work your shift while you were not there?

25 A. No, sir.

1 R. Rojas

2 Q. Did you ever work under any other name
3 for the company?

4 A. No, sir.

5 Q. During the period of time that you were
6 at the garage from May 2003 to May 2006, what was
7 the busiest time of day?

8 A. It was always busy.

9 Q. Was the garage open 24 hours a day?

10 A. Yes, sir.

11 Q. There was no time of day during those
12 24 hours when the garage was busier than any other
13 time of day?

14 A. It was always busy. If it was -- if it
15 wasn't with the tickets, the dailies, it was with
16 the monthlies.

17 Q. Is it your testimony that you were too
18 busy to take any kind of a lunch break?

19 A. Yes, sir.

20 Q. Is it your testimony that the garage
21 was so busy that there was no time for any of the
22 three employees who were working there to take a
23 break?

24 A. Yes, sir. There was three levels.
25 Basement, ground floor, and one up above.